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New York

President:	Mr. Arias	(Spain)
Members:	Angola	Mr. Lucas
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Boubacar Diallo
	Mexico	Mr. Pujalte
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Konuzin
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Mr. Williamson

Agenda

The situation concerning the Democratic Republic of the Congo

Letter dated 25 June 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/674).

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03-41821 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Letter dated 25 June 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/674)

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo, in which she requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mrs. Booto (Democratic Republic of the Congo) took a seat at the Council table.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Bertrand Gangapersaud Ramcharan, United Nations Deputy High Commissioner for Human Rights and Officer-in-Charge of the Office of the High Commissioner for Human Rights.

There being no objection, it is so decided.

I invite Mr. Ramcharan to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members of the Council to a letter dated 25 June 2003 from the Secretary-General addressed to the President of the Security Council transmitting two reports from the High Commissioner for Human Rights and the United Nations Organization Mission in the Democratic Republic of the Congo regarding the events of 3 April 2003 in Drodro and the events that took place between 31 December 2002 and 20 January 2003 in Mambasa, respectively. Photocopies of the two reports have been circulated informally to members of the Security Council. That letter and its annexes will be issued as a document of the Security Council under the symbol S/2003/674.

At this meeting, the Council will hear briefings by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, and by Mr. Bertrand Gangapersaud Ramcharan, Deputy High Commissioner for Human Rights and Officer-in-Charge of the Office of the High Commissioner for Human Rights.

I give the floor to Mr. Guéhenno.

Mr. Guéhenno: As Council members are aware, we are meeting today to discuss two reports on the situation in the region of Ituri, the Democratic Republic of the Congo, and specifically in the areas of Mambasa and Drodro. Those reports have been distributed to the members of the Security Council. While Deputy High Commissioner Ramcharan will shed further light on those reports, as well as outline some of the recommendations emanating from them, I would like to draw the attention of the Council to the broader trends that led to the violations in Ituri, as well as to provide an update on recent developments in the Democratic Republic of the Congo since our last briefing to the Security Council, on 26 June. I shall turn first to the reports.

The Mambasa report covers events that took place between October and December 2002, and relates to atrocities committed by the Mouvement pour la libération du Congo (MLC), the Rassemblement congolais pour la démocratie — National (RCD-N) and

the Union des patriotes congolais (UPC); while the report on events in and around Drodro relates to April 2003, when atrocities were committed, in particular by Lendu combatants, as well as possibly others. For some time now, in successive updates before the Security Council, the Secretariat has made Member States aware of the ongoing violence in the Ituri region, where issues of economic necessity and sustenance, land and exploitation of natural resources have been fuelled by the ambition of local and external players alike to dominate the region.

The political context for the events described includes not only the issues I have just described, but also the relative isolation of Ituri from the national context, where the perpetrators that are committing the crimes can be brought to justice. The total breakdown of law and order that afflicts Ituri means that no one, including those who were "tried" by the MLC authorities in Gbadolite, is in fact held accountable for his or her actions. The Security Council has often before condemned such impunity.

It is hoped that, with the installation of the transitional Government in Kinshasa, those who are guilty will be brought to justice. However, this can happen only if there is a degree of centralized control in the administration of justice and in the rule of law sector. The Democratic Republic of the Congo desperately needs an institutional framework whereby those guilty of crimes are held accountable. Under the All-Inclusive Agreement signed on 17 December 2002, a National Truth and Reconciliation Commission, as well as a National Observatory for Human Rights, are to be established. It would be crucial for the international community to support the work of those organs.

As outlined in the second special report of the Secretary-General in document S/2003/566 of 27 May, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) will collaborate closely with the soon-to-be-installed Government of the Democratic Republic of the Congo in the establishment and functioning of these vital institutions.

Turning towards the political scene, Security Council members are aware that the delay in agreement on the distribution of the military command posts, which had delayed the installation of the transitional Government, was finally resolved on 29 June with the mediation of Special Envoy Niasse, General Baril and the Government of South Africa. The parties agreed, under the provisions of the Second Memorandum on the Army and Security signed that day, that the position of the Chef d'Etat-Major Général would be allocated to the Government of the Democratic Republic of the Congo; the Chef d'Etat-Major Administration and the Chef des Forces Navales would be awarded to the MLC; and both Chef d'Etat-Major Logistique and Chef des Forces Terrestres would be from the RCD-Goma. Subsequently, on 30 June in Mbandaka, President Kabila issued a decree announcing the composition of the transitional Government, which would consist of 36 ministers and 25 deputy ministers representing the various components of the inter-Congolese dialogue. In a statement marking the occasion, the Secretary-General has welcomed the announcement of the new Government and has pledged the support of the United Nations.

The next steps are the swearing-in of the four vice-presidents and the first meeting of the Council of Ministers, at which point the new Government will formally commence its work. MONUC is closely consulting with the parties in order to ensure that the security concerns of the political leaders, especially the MLC and the RCD-Goma, are addressed. It is, of course, critical that all leaders arrive in Kinshasa in order to ensure a successful commencement. In this regard, members of the new transitional Government have already begun to arrive in Kinshasa. MONUC is gearing up to facilitate the arrival of the parliamentarians and senators from all over the country.

Turning to the Kivus, following the earlier signing in Bujumbura on 19 June of the Acte d'Engagement for a cessation of hostilities, the Government of the Democratic Republic of the Congo, the RCD-Kisangani-Mouvement de Libération (K/ML) and the RCD-Goma met in Beni on 26 June, under the mediation of MONUC, and established a "Mission de Vérification Conjointe" (MVC) to verify the withdrawal of the RCD-Goma to 15 kilometres south of their positions at Rwese and Kimbulu, as well as the maintenance of the current positions of the RCD-K/ML and the cantonment of Congolese Armed Forces (FAC) troops at Mavivi.

According to initial assessments by MONUC, FAC, RCD-K/ML and RCD-Goma have largely complied with the first phase of the agreed ceasefire

and withdrawal, although RCD-Goma only participated in the MVC for the first time on 4 July. Proposals for further withdrawals and verification procedures have been put to the three parties and will be discussed at a meeting of the MVC on 7 and 8 July. The Armée patriotique congolaise, the military wing of the RCD-K/ML, launched operations on 2-4 July to disarm the Mayi Mayi in Beni and Butembo so as to prevent them from destabilizing the ceasefire.

(*spoke in French*)

I shall now discuss the situation in Ituri and particularly in Bunia. The security situation in Bunia is now stable and the Interim Emergency Multinational Force (IEMF), together with the MONUC contingent, continues to patrol the town, which was declared a weapons-free zone as of 25 June. While the UPC has redeployed its troops to the exterior of the town, the presence of soldiers in civilian garb cannot be ruled out.

In the meantime, some 6,000 internally displaced persons, most of whom are apparently original residents of the town, have returned from camps and outlying areas. One discouraging factor remains the illegal occupation by UPC elements of the private homes of those wishing to return. The IEMF and MONUC are also facilitating the return to town of Lendu inhabitants, including their political representatives. In this connection, on 29 June, MONUC escorted the reconnaissance mission of various United Nations and other agencies and non-governmental organizations to Lendu-held areas 20 kilometres south of Bunia. Members of the Ituri interim administration also accompanied the mission to increase their political outreach beyond Bunia. More such missions, within a 40 to 50 kilometres radius of Bunia, are envisaged.

The local radio station in Bunia, Radio Candip, continues to be controlled by the UPC. MONUC, under a plan coordinated with the Ituri interim administration, is guarding the radio premises in order to ensure that the facilities are eventually controlled by the Ituri interim administration and not used as a tool to spread propaganda or messages inciting hatred.

As Council members are aware, the rationale behind an enhanced security presence in Bunia has been to create sufficient political space for the Ituri interim administration to establish itself on a firmer footing. The administration is now taking a more proactive stance in implementing its mandate and has appointed a mayor for Bunia and started to deploy its local civilian police — albeit in small numbers — to key areas in the town, in coordination with MONUC. However, it must be recognized that establishing full authority and competencies of the interim administration will be a long-term process. In cooperation with the United Nations Development Programme, the Office for the Coordination of Humanitarian Affairs and humanitarian agencies, MONUC and the Department of Peacekeeping Operations have drawn up a strategy for Ituri to guide and coordinate the activities of United Nations agencies and their partners, focusing first on humanitarian assistance to Bunia. This plan has been finalized and will assist all those involved in assistance to the region to expand that aid through the Ituri Interim Administration. The plan will be conveyed to Security Council members and all other potential donors within the week, with a request for assistance. It is a supplement to MONUC's efforts to support cooperation with the Ituri Interim Administration.

All efforts are now being made to ensure that the second task force will be deployed in Bunia by 15 August 2003, to allow a handover period of about two weeks with the IEMF. The Department of Peacekeeping Operations is also consulting potential troop-contributing countries with regard to the final composition of the Ituri brigade, which was proposed in the second special report of the Secretary-General of 27 May 2003 (S/2003/566) in anticipation of a decision by the Security Council.

Finally, let me add that the Special Representative of the Secretary-General, Mr. Swing, has now arrived in the Congo and visited Bunia over the weekend to personally assess the situation.

In conclusion, let me stress that the deployment of a strong multinational force in Bunia has begun to change the balance between the warring parties and the legitimate political actors in that part of the Congo. The main beneficiaries are the thousands of civilians who may finally be able to return to their homes and resume their lives under normal conditions of security.

In this regard, it is crucial that the brigade-size force recommended by the Secretary-General to replace the Multinational Force in Bunia, and later to be deployed in the Ituri area as well, be configured with enough strength and deployed under such

conditions so that it can build on the already achieved results of the stabilizing presence of the Multinational Force. At the same time, we are fully cognizant that Bunia, like Ituri, will require the sustained attention of the international community.

As the Secretariat has often indicated to the Council, there must be continued international pressure on the parties to convince them that a political transitional process is the only option available to them. In this context, the need for accountability on the part of those who have been responsible for crimes must also be considered. It is an axiom that peace cannot be re-established, there cannot be any real peace, without an end to impunity. I wish to invite the Security Council to consider additional steps that may be taken to help the authorities of the Democratic Republic of the Congo to develop the capacity of that State so that there is a functioning justice system, so that those who should be held accountable are held accountable, with the aid of the international community.

The President *(spoke in Spanish)*: The next speaker is the Deputy High Commissioner for Human Rights, Mr. Bertrand Gangapersaud Ramacharan.

Mr. Ramacharan: The defence of human rights is one of the activities that define the contemporary and future United Nations. No other body can replace the United Nations for universality, legitimacy, trust and its international code of human rights. The United Nations mirrors the world while beckoning it to the values of the Charter and the Universal Declaration of Human Rights.

Every country has ground to cover when it comes to respect for the Universal Declaration of Human Rights. The human rights mission of the United Nations is central to its raison d'être and is becoming more and more crucial to its other leading roles, as well as to the work of this Council.

The United Nations, through the Security Council, seeks to prevent conflicts worldwide. This is an irreplaceable role. In a recent work on the Security Council and the protection of human rights, I sought to show that the Council places increasing emphasis on the promotion and protection of human rights for the prevention of conflicts. I will have the opportunity to present the President with a copy of this book this morning.

In different parts of the world, United Nations peacemakers are endeavouring to help find solutions to disputes and conflicts. No one else cares as much as the United Nations, which seeks to be of assistance, whatever the colour or stripe of the nation. The peacemaking flag of the United Nations, more and more, has on it the eternal flame of the Universal Declaration of Human Rights. As the Council has advised on more than one occasion, peacemaking and human rights must go hand in hand, the primordial nature of the right to life is recognized. The nexus between peace and justice is the right to life.

Another role that defines the United Nations is peacekeeping and peace observation. The Security Council has registered that United Nations peacekeeping operations must contribute to the protection and promotion of human rights. The Council has also given central place to human rights in United Nations peace-building missions.

The humanitarian work of the United Nations singles it out as a conscience-bearer for suffering humanity. More and more, United Nations humanitarian and human rights endeavours are integrated. It can only be so, for the principle of the protection of human rights is grounded in the principle of humanity.

The United Nations works with countries worldwide on practical projects of development, governance, democracy-building and the rule of law. Countries and people trust the United Nations worldwide. They see it as their Organization. This extraordinary legitimacy is shared by no other institution or entity, and human rights are integrated into all of its roles. Increasingly, the emphasis is on strengthening national human rights protection systems and institutions.

The United Nations, and the Security Council, seek to direct the spotlight to the protection of civilians in armed conflict, the protection of women and children and new security challenges such as HIV/AIDS. The concept and content of security is thus evolving. This Council has registered that the security of nations depends on the security of people. Human security is defined by the international human rights norms, which give it content. The issue before us today is how to bring human security, through human rights, to the long-suffering people of the Democratic Republic of the Congo.

(*spoke in French*)

I thank the Council for having invited me to join my colleague, Jean-Marie Guéhenno, in order to introduce the report of the Office of the United Nations High Commissioner for Human Rights concerning the events that occurred on 3 April 2003 in the locality of Drodro, in Ituri, Democratic Republic of the Congo. The presentation of the report also offers us the opportunity to take a quick look at the persistent violations of human rights and of international humanitarian law in that region.

The report before members is a response to the 8 April 2003 statement by the President of the Security Council strongly condemning the massacres committed at Drodro, in the Ituri district, and requesting the Office of the High Commissioner for Human Rights to investigate those events and to report on them as soon as possible. This report is the result of an investigation on the ground carried out on 5 April 2003 by the Office of the High Commissioner for Human Rights in close cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), supplemented with information gathered by a follow-up mission comprising officials of the Office of the High Commissioner for Human Rights, MONUC staff and two legal experts, who visited Drodro and surrounding areas from 18 April to 5 May 2003. The report of that multidisciplinary team highlights the gravity and the systematic nature of the atrocities and human rights violations that the populations of this province of the Democratic Republic of the Congo have constantly endured in recent months. It also contains several observations that I should like to bring to the Council's attention.

Bordering Uganda, the Ituri district is today one of the most unstable provinces of the Democratic Republic of the Congo. Since the eruption of the conflict in the Democratic Republic of the Congo, in August 1998, and particularly since a split appeared within the Rassemblement Congolais pour la démocratie-Kisangani/Mouvement de libération (RCD-K/ML), which led to the creation of the Union des patriotes congolais (UPC) approximately a year ago, this district of Orientale province has been the scene of devastating violence and of deadly clashes among dissident factions, self-defence groups of an ethnic nature and tribal militias.

The deadly violence that afflicts the populations of this region of the Democratic Republic of the Congo proceeds from an ideology of exclusion, from hatred and from the exacerbation of tribal and ethnic cleavages and antagonisms. That violence and the tension to which it gives rise have been stirred up recently by several factors: the absence of a credible and effective administration in Ituri; the presence of foreign troops; the value of the enormous natural resources, which gives rise to greed; power struggles between local leaders seeking to position themselves on the national political scene; and disputes over land ownership and resources.

The impact of such a conflict affects the enjoyment of the majority of the rights set out in the Universal Declaration of Human Rights and in subsequent international instruments relating to human rights. The human rights violations to which I shall refer today are massive and systematic, and they require particular attention.

(*spoke in English*)

On two previous occasions, the Office of the High Commissioner for Human Rights has briefed the Security Council on the grievous violations of human rights occurring in the Democratic Republic of the Congo. Those briefings were focused mainly on the Ituri area. However, as the Council is aware, numerous cases of atrocities and of pervasive violations of human rights and international humanitarian law have taken place in other parts of the country and deserve to be investigated. That has not been possible for a number of reasons, including the security situation prevailing in some of the areas and a lack of cooperation and of adequate financial resources for undertaking such an important task.

As members know, the events which took place in Drodro and in its surrounding areas on 3 April 2003 are part of a continuing chain of inter-ethnic violence, confrontations between armed militias and rivalries among dissident armed groups and rebel factions. Eyewitness reports gathered by our investigative mission revealed that the gross and large-scale violations of human rights perpetrated during the events of 3 April 2003 included assaults on lives, torture, looting and the destruction of property. The most shocking violations of human rights reported by witnesses include some 408 cases of summary executions, more than 80 cases of persons seriously

wounded or mutilated, and numerous accounts of stores and shops looted. During those events, huts were burned down, dozens of cattle were stolen, and valuable items found in houses were taken by the assailants. In the main hospital in Drodro, which the investigative team visited, 48 bodies were identified, most of which were those of women and children.

The team of investigators also visited mass graves in the localities of Largu, Nyali and Jissa. In Jissa alone, there were 20 mass graves, although the mission could visit only eight of them. According to witnesses' accounts, those graves contain some 140 bodies. It should be noted that the number of persons killed in that area is certainly higher, because the team was not able to visit eight other localities for which no safety guarantees could be provided.

According to information communicated to the investigating team, the majority of the victims were women and children, some of whom had been killed and mutilated with machetes, while others had been burned alive. Most of that information was confirmed by the forensic experts who participated in the investigative mission following their examination of some of the graves.

In view of all the relevant information gathered — including the conclusions of the forensic experts — the team confirmed that massacres had taken place on 3 April 2003 between 5.45 and 8 a.m. The assailants carried out their attacks in the localities of Dhessa, Duma, Nyali, Dzatha, Kiza, Ngazba, Jissa, Kpatiz, Koli, Lera, Buki, Ndjala and Kpaluba using edged weapons — machetes, axes, spears and arrows — and firearms. Allow me to interject here that we are not speaking of ordinary killings in the course of a conflict; we are talking about events that shock the human conscience.

The opinion of many witnesses confirmed that the authors of the massacres were militias of Lendu origin. The world's conscience has been struck by the pervasive use of child combatants in committing these atrocities. The events at Drodro and in the 15 surrounding localities have had a terrible impact on the vulnerable populations in that part of the Democratic Republic of the Congo. It is estimated that 55,000 people fled towards the south when the bloody confrontations between the Lendu and Hema militias broke out in early May 2003. The survivors of those massacres were forced by the lack of security to flee at night to major urban centres or into the forest.

Following the completion of the investigative mission, our office in the Democratic Republic of the Congo has, in collaboration with MONUC, continued to monitor closely the events that occurred more recently in Ituri. The information gathered to date points to continuing fighting between the Lendu and Hema militias, resulting in further serious human rights abuses, massive displacements of the civilian population and deterioration of the humanitarian situation.

It was reported that in Tchomya, on 31 May and 1 June 2003, fighting broke out again between the Lendu and Hema militias, allegedly with the involvement of elements of the Congolese Armed Forces. At least 350 casualties, mainly civilians, were recorded as a result of the incident. The victims included 253 people who were assaulted in the commercial centre of the town, 22 victims at the residence of the head of the Party for the Unity and Safeguard of the Integrity of the Congo, and 37 victims that had their throats cut and were hacked with machetes at the town hospital.

We also received reports on the attacks launched on 7 June 2003 by militias of Lendu origin in Tchomya, Kasenyi and the town of Bunia, which resulted in the killing of between 300 and 500 individuals. Furthermore, on 18 June 2003, several mass graves were discovered at the residence of the Governor of Bunia.

In addition to summary executions, the confrontations and resulting violence have led to arbitrary arrests, abductions, rapes and the wanton destruction of lives and property. The number of displaced persons has risen to 74,000. The majority of the displaced persons are located in the area surrounding the Bunia airport and the premises occupied by the MONUC military observers. That population continues to face severe problems of health, food and access to school, which the humanitarian agencies are trying to address.

As members of the Council know, the portions of the report of the Council's mission to Central Africa from 7 to 16 June 2003 (S/2003/653) that relate to the Democratic Republic of the Congo affirm substantially the findings that we highlighted in the Drodro and earlier reports. In line with the recommendations of the Council's mission, the Office of the United Nations

High Commissioner for Human Rights and MONUC are engaged in consultations and discussions with relevant actors, aimed at assisting the national transitional institutions in putting an end to impunity, reconstructing the justice system and adopting the related transitional justice arrangements for rebuilding the rule of law.

The Office of the United Nations High Commissioner for Human Rights and MONUC have reiterated their commitment to supporting the establishment and effective functioning of the relevant national institutions, particularly the National Observatory for Human Rights and the National Truth and Reconciliation Commission — the creation of which is envisaged by the All-inclusive Agreement — as well as the Ituri Pacification Commission.

This is the third time in a year that the Office of the United Nations High Commissioner for Human Rights has been given the opportunity to brief the Security Council regarding some of the cases of atrocities and dreadful human rights violations perpetrated in the Democratic Republic of the Congo. The frequency of these briefings is in itself a clear indication of the very serious and continuous nature of human rights violations occurring in the country, and reflects the Council's recognition of that.

Our Office has had the opportunity to share with the Council information and reports regarding the human rights situation, whose patterns have been similar since the outbreak of the conflict in August 1998. Three conclusions stand out. Allow me to reiterate those conclusions in furtherance of the conclusions contained in paragraphs 26 and 28 of the Security Council mission's report.

The first conclusion is that all the parties, but particularly the rebel movements, rival factions and other armed groups and militias operating in the eastern part of the Democratic Republic of the Congo, continue to resort to human rights violations as a means of creating an atmosphere of terror and oppression and, thus, of keeping their control over the population and lucrative natural resources.

The second conclusion is that insecurity and terror, as well as the lack of cooperation from the parties, have made it impossible to initiate thorough and comprehensive investigations aimed at shedding light on many cases of mass killings and other gross human rights violations that have occurred in various parts of the Democratic Republic of the Congo. Generally, the warring parties are not committed to fulfilling their obligations under international law to investigate responsibility for serious violations of human rights and breaches of humanitarian law and to prosecute those responsible for the atrocities committed. Consequently, the interests of justice can be served only by providing both national and international mechanisms with opportunities to investigate those crimes in depth in order to determine their extent and motivation.

The third conclusion is that failure to take the necessary concrete action towards ending the reign of impunity in the Democratic Republic of the Congo will encourage the perception of the international community's passivity and double standards regarding serious and grave human rights violations. That will further nurture the existing feeling among the civilian population that there is a denial of justice, which will contribute to the cycle of reprisals and the culture of impunity.

On 16 May 2003, the Prosecutor of the International Criminal Court, Mr. Luis Moreno Ocampo, visited our office in Geneva to discuss possible areas of collaboration. We raised the situation in the Democratic Republic of the Congo and discussed it with him. We in the Office of the United Nations High Commissioner for Human Rights stressed that the human rights violations that have taken place in various parts of the country, particularly those perpetrated in Ituri, should be investigated as quickly as possible. Our Office stands ready to pursue close cooperation with the International Criminal Court in any effort that might be pursued regarding events in the Democratic Republic of the Congo.

With all humility, I propose that parallel to those efforts, the Security Council may wish to consider taking appropriate action on the serious violations of human rights and international humanitarian law perpetrated in the Democratic Republic of Congo, taking into account the relevance of the International Criminal Court.

We in the Office of the High Commissioner also very much hope that the National Observatory for Human Rights and the National Truth and Reconciliation Commission — which we hope will soon be established — will serve, and interact in a constructive way with, the goal of encouraging the

transitional Government to confront the culture of impunity. Perpetrators of gross human rights violations must be put on notice that they will be brought to justice.

I have been in the human rights business for a lifetime, and I have been in the United Nations for 30 years. If there is one thing of which I am convinced, it is that the threat of justice to those who commit serious violations of human rights is one of the means that we have at our disposal and one of the means that we must be willing to use.

At the beginning of these remarks, I noted that the Council's practice places increasing emphasis on the centrality of human rights in conflict prevention, in peacemaking, peacekeeping, peace-building and humanitarian and development work. The Council has also stood up for the principles of international accountability, international supervision, reconciliation and justice.

I should like to end by placing particular emphasis on the principles of international accountability and international supervision. Any situation on which the Security Council has pronounced itself calls for application of the principles of international accountability and supervision. The Council must be satisfied that peace and justice have been served in the final analysis. This invites, particularly in the case of the Democratic Republic of the Congo, the principle of special and sustained interest that you have indeed been applying — special and sustained interest. I spent nearly four years in peacemaking and peacekeeping in the former Yugoslavia. We said the conflict there was one of the largest since the Second World War. We know that the conflict in the Democratic Republic of the Congo has led to the loss of millions of lives. Therefore, the principle of special and sustained interest must be applicable in this situation.

I have one final comment, if I may. In the reports the Council considers today, there is incontrovertible evidence pointing to the criminal responsibility of particular individuals. They must know from this Council that they will be brought to justice. They must know from this Council that the Democratic Republic of the Congo of the future will be built on the foundations of human rights. For this is the essence of the United Nations, and this is the essence of the Security Council. In the final analysis, human rights are the measure, and international security must be achieved through human security.

(*spoke in Spanish*)

In conclusion, I would like to thank you, Mr. President, and the Council members for having given me the opportunity to speak before you today. I have studied the role played by the Council in the protection of human rights, and this morning I would like to take the opportunity to present to you a copy of the book that I recently wrote on this topic. As you will understand, it is an honour for me to appear before you today and to speak on the subject of human rights. For me, justice is primordial.

The President (*spoke in Spanish*): I thank Mr. Ramcharan for the information he has given to the Council and for the book that he has provided, which seems to be an in-depth and very interesting study on this critical subject. As he has said, justice is of the greatest interest.

Mr. Konuzin (*spoke in Russian*): We are grateful to Under-Secretary-General Guéhenno and the Deputy High Commissioner for Human Rights for the detailed briefings they have given us on the situation in the Democratic Republic of the Congo.

The agreement between the parties to the conflict and the establishment of the transitional Government give us hope that this will help lead to a settlement in the Democratic Republic of the Congo, to the establishment of Government control throughout the territory of the country, and to recovery for a country that has suffered so greatly.

The information provided on the human rights situation in the Congo is extremely disturbing. We cannot read the report of the United Nations High Commissioner for Human Rights about the events in Drodro and the report of the special investigation team on the events of Mambasa without feeling outrage. These documents are comparable to accounts of the most tragic events during the time of the Second World War.

Today it has become quite clear that acts of inhuman cruelty in Rwanda, the Democratic Republic of the Congo, Sierra Leone and Liberia are a new challenge to peace and security in Africa. Mass human rights violations, violations of the norms of international humanitarian law and inhumanity have all

become a constant and terrible feature of inter-African conflict.

In early June, a Security Council mission visited a number of States in Central Africa. We visited Bunia, where we had a meeting with representatives of international humanitarian organizations. Those people — who are so truly committed, who are living in the most dreadful conditions of civil war in the Congo — said to us that they are able to operate only within a radius of 200 metres. Every day they are working to try to save people who are very close to that invisible line dividing life from death. They asked us what we could do to put an end to the carnage and to ensure that crimes against humanity do not go unpunished. We promised them that we would raise this matter wherever we could. We did raise it in Central Africa, and it was brought up constantly in the very recent Security Council mission to West African countries.

I would ask those who can do so to tell to the humanitarian workers in the Congo and in other African countries that we have stood by our promise to raise this matter. But this in itself is not very much. What is needed is action. We were disturbed that the response to our appeal was less than what we might have expected. We kept raising the matter of child combatants. We raised this issue with heads of State, members of Governments, leaders of armed groups and factions. They all told us that they had absolutely nothing to do with it. But nobody seemed particularly willing to investigate and to try to put an end to the phenomenon. At times, there was the impression that we were talking about something that was not particularly crucial, something almost immaterial. But, there are child soldiers. We saw them. I myself saw 10-year old boys with automatic guns in Bunia. Somebody gave those boys guns. Somebody is commanding the child soldiers.

In our opinion, we need concrete, coordinated action in the subregion, on the ground. A major role can be played by regional organizations: the African Union, the Southern African Development Community (SADC), ECOWAS and the Economic and Monetary Community of Central Africa (CEMAC). It is extremely important that the Africans themselves become truly aware of the critical importance of this problem and really try to eliminate it.

I would like to ask a question: what can be done by African organizations to ensure the implementation of international conventions and of their own instruments on preventing mass human rights violations and violations of international humanitarian law during the current conflicts in Africa? How can the international community help them to do this?

Mr. Tidjani (Cameroon) (*spoke in French*): My delegation would like to thank Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, for his briefing on recent developments regarding the political and military situation in the Democratic Republic of the Congo. We would also like to thank Mr. Bertrand Ramcharan, Deputy High Commissioner for Human Rights, for his comprehensive briefing on the human rights situation in the Democratic Republic of the Congo, especially in Drodro and Ituri.

On 13 February 2003 the Security Council heard a briefing by Mr. Sergio Vieira de Mello, who came to discuss the situation in Mambasa in particular. The information he gave us evoked great feeling and profound indignation. The information contained in the two reports provided to the Council this morning regarding atrocities — some of which were premeditated — is revolting, repugnant and shocking to the human conscience. How can we fail to be moved by the perpetuation into this century of organized massacres and torture on such a scale? Those acts included systematic and massive rape, sexual slavery, mutilation with sharp weapons and other inhumane and degrading punishment. I shall spare the Council a detailed description.

The conduct of the conflict in the Democratic Republic of the Congo since 1998 has been characterized by particularly large-scale violations of human rights and humanitarian law. Beyond the frightening figure of some 3 million victims of such crimes, it seems that this conflict has caused the largest number of deaths since the Second World War. I would like to emphasize that, as we heard earlier from Mr. Guéhenno and Mr. Ramcharan, civilians comprise the largest number of victims. This conflict clearly has stripped some actors of all humanity and fundamental human values. No interest at stake, no military goal, no strategy for reaching any objective can justify the inhumanity and barbarity that these two reports depict. My delegation firmly condemns such actions and calls upon all Congolese parties to return to sanity in order

that, with help from the international community, they can finally turn this sad page of their history and begin a new chapter of reason and hope.

In that regard, we welcome the establishment of a Government in the Democratic Republic of the Congo on 30 June, following the signing of a memorandum pertaining the army. That was a significant step forward that opens up new prospects for reconciliation, peace and justice in the country. All Congolese parties should now work together to restore trust, security and stability and to restart economic activity in the country. Those who are well acquainted with the Democratic Republic of the Congo know that this represents a major challenge whose success can be guaranteed only if three conditions are met: real political determination among the Congolese themselves, a significant and decisive commitment on the part of the United Nations, and a central role in the transition process for the principles of peace and justice.

It seems to us that all those guilty of flagrant violations human rights, criminal law and crimes against humanity during the conflict must necessarily be brought to justice before the appropriate judicial authorities in order that they may be held accountable for their crimes. Impunity must be steadfastly and firmly combated. In that regard, the Security Council may perhaps wish to consider urgently establishing a judicial mechanism capable of taking up the situation in the Democratic Republic of the Congo. For its part, Cameroon would favour setting up a national jurisdiction as part of the transitional institutions to which the international community would lend its full support in order to ensure its full effectiveness and complete adherence to the law. Such a jurisdiction would fall within the current dynamic of reconstituting a sovereign space for the Democratic Republic of the Congo and would contribute to the Congolese people's once again taking hold of their own destiny.

Last February, Mr. Vieira de Mello suggested to the Security Council the establishment of a truth and reconciliation mechanism in the Democratic Republic of the Congo that could serve to help the Congolese people to deal with the horrors and tragedies of the past, the memory of which continues to haunt them. I therefore welcome the imminent establishment of a truth and reconciliation commission. I likewise welcome the support of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in the establishment and operation of the commission.

All of these initiatives should be pursued in the context of an effective overall framework that includes a specific approach to the rights of the most vulnerable members of the population — women and children — who have been reduced to mere instruments of a savage war. I am also thinking of the consequences of collective rape vis-à-vis the spread of HIV/AIDS. Moreover, the existence of large numbers of displaced persons in the Democratic Republic of the Congo clearly indicates that specific measures are needed to improve access for humanitarian assistance to such persons. In that regard, it is up to the Congolese parties to assume the obligation to provide access to United Nations agencies and non-governmental organizations (NGOs) participating in the humanitarian effort. MONUC should assist them insofar as its mandate permits.

Turning to another subject, the programme for the disarmament, demobilization, reintegration and resettlement (DDRR) of combatants — the pace of which has not yet risen to the expectations and goals of the peace process — should be pursued with renewed vigour in order that it may contribute to the pacification of the Congolese political scene. We are aware of the complexity of the programme, but, as Mr. Kenzo Oshima noted during the meeting of the Security Council held on 20 June 2003, the programme is fundamental to protecting civilians, in particular during the transition to peace.

Speaking about the Democratic Republic of the Congo, Mr. Oshima called upon the Council to take measures towards voluntary disarmament in order to stop the violence against civilians and to thus stabilize the peace process in this war-torn country. We share that analysis. In that regard, we should consider the "Bunia without Weapons" operation established by the Emergency Multinational Force as part of its mandate under Chapter VII as a new approach to disarming armed militias. We would like to have Mr. Guéhenno's opinion in that regard.

My delegation welcomes the fact that the gender-specific component has been taken into account in the work of MONUC, whose personnel have been provided with training and advice about integrating the gender perspective into all aspects of their work.

With regard to children — traumatized victims of this conflict who will bear psychological, and perhaps even physical, scars for the rest of their lives — I wish to express the hope that the report of the Secretary-General incriminating virtually every Congolese movement will be viewed by the movements as a call to abide by international law. We also hope that United Nations agencies and the competent NGOs will address the state of these children, most of whom are orphans and/or combatants, with their traditional know-how. Cameroon reiterates its full support to them.

There is already cause for hope, namely, the participation of the Democratic Republic of the Congo in several international instruments pertaining to the protection of children. The demobilization of child soldiers and their reintegration into civilian life are thus key priority tasks that must be urgently taken up by the new transitional Government of national unity. That Government should be able to count on the support of the international community through MONUC, the High Commissioner for Human Rights, the International Committee of the Red Cross and other non-governmental organizations involved in the situation, which must provide it with all the assistance necessary for achieving its goals.

The Congolese people has suffered too much in its quest for peace. The international community is duty-bound decisively to demonstrate its solidarity with that people at this crucial moment, as the search for national reconciliation is beginning to bear fruit. Mr. Ramcharan has even spoken of international responsibilities and supervision.

Cameroon wishes urgently to appeal to the Democratic Republic of the Congo's neighbours to support the peace process in that country, to refrain from any act likely to undermine the transition, and to work to convince the rebel movements — over which they clearly have influence — to become part of the effort to rebuild the Democratic Republic of the Congo.

Finally, I address my delegation's encouragement to the Secretary-General, his Special Envoy to the Democratic Republic of the Congo and MONUC for their courageous work under sometimes extremely difficult circumstances. I also wish to congratulate Mr. Amos Namanga Ngongi, who has spared no effort at the head of MONUC, as he completes his mission. I further warmly welcome Ambassador Swing to his new post and wish him every success in the performance of his duties.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): I should like to thank you, Madam, for convening this meeting of the Council to consider the human rights situation in the Democratic Republic of the Congo. We thank Under-Secretary-General Guéhenno and Mr. Ramcharan, the Deputy High Commissioner for Human Rights, for their briefings on the human rights situation in the Democratic Republic of the Congo.

We have now returned from our mission to the Democratic Republic of the Congo, which was intended to strengthen the peace process and to convince all of the parties, local and international alike, of the need to comply with the Lusaka and Pretoria Agreements on the establishment of peace. The mission did indeed deal with these matters and, through Ambassador De La Sablière at the head of the mission and during the course of meetings with various factions and leaders, also sent the message that the massacres in Ituri will not go unpunished. We also noted that massacres, murders, abductions, rapes and the displacement of civilian populations and families are crimes which the international community, and the Security Council in particular, simply cannot tolerate.

Syria welcomes the establishment of the transitional Government incorporating the various factions in the Democratic Republic of the Congo under the All-Inclusive Agreement. It is our hope that this will prove to be an important step towards ending all the human rights violations in that country. We hope that the National Truth and Reconciliation Commission and the National Observatory for Human Rights will be able to begin their work and make it possible to put an end to such violations.

The reports introduced to us today on the crimes committed during the events in Mambasa evoke outrage and horror of those who could perpetrate such crimes.

I should like to ask Mr. Ramcharan a question. What are the local and international mechanisms and structures that might be deployed in the Democratic Republic of the Congo to bring to justice human rights violators and the perpetrators of the massacres described in the reports before us, in light of the establishment of the National Truth and Reconciliation

Commission and the National Observatory for Human Rights?

Mr. Lucas (Angola): We thank you, Madam, for scheduling this meeting on such a momentous question in international life, and to the Congolese people in particular. We thank Under-Secretary-General Guéhenno and Deputy High Commissioner for Human Rights Ramcharan for their briefings.

We shall comply with your request, Madam, and not deliver a statement. We shall reserve that for the occasion of the open debate on 18 July. However, before addressing a question to Mr. Ramcharan, we would like to make a brief comment.

The reports submitted to the Council on the events that took place in Mambasa and Drodro are very disturbing indeed. We cannot let this occasion pass without expressing our outrage at and strongest condemnation of such coarse violations of human rights. We convey our deepest-felt solidarity to the long-suffering people of the Democratic Republic of the Congo, victims of such indescribable acts of cowardice, and we strongly assert that the authors and instigators of these acts should by no means be allowed to go unpunished.

The question we would like to address to Mr. Ramcharan is the following: In the quest for peace in the Democratic Republic of the Congo, where in similar circumstances of civil strife elsewhere reconciliation and pardon have played an important political and psychological role — even leading sometimes to general amnesties — is it not possible that such crimes, such violations of human rights, will be forgotten and that justice may be sacrificed to superior political interests and die a widow, as has happened so often? What is the general position of the High Commissioner for Human Rights in such cases? What is the High Commissioner likely to do if such a trend emerges in the Democratic Republic of the Congo?

Mr. De La Sablière (France) (*spoke in French*): I, too, should like to begin by thanking Mr. Guéhenno and Mr. Ramcharan for their briefings. I pay tribute to the extremely difficult work being carried out by the human rights staff of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). I believe that they deserve such a tribute.

Without making a statement, as you requested, Madam, I shall first briefly address Mr. Guéhenno's comments on political developments and then I shall address the issue of human rights.

A few days ago, the Council rightly welcomed the settlement relating to the problem of armed forces, which opened the way for the establishment of the transitional Government at Kinshasa. This is an important step to which Mr. Guéhenno rightly referred. He spoke of his concern over the situation in Kivu and condemned what was happening there. He noted some interesting developments, for example, the completion of the first implementation phase of the agreed ceasefire and withdrawal following the meetings organized by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on 19 and 26 June 2003.

I shall offer a few comments on Bunia to highlight a point made by Mr. Guéhenno that I believe is important. First, the Interim Emergency Multinational Force (IEMF) has had the expected beneficial effect there. Despite logistical problems related to the airstrip being in poor condition, the force was deployed there more quickly than had been expected. The result has been a stabilization of the security situation and the start of the return of the civilian population.

Mr. Guéhenno said this has begun to change the balance between those with guns and the legitimate parties, namely the Ituri interim administration, which was acquiring a political space within which to operate. As Mr. Guéhenno said, the people who have benefited from this are the civilians. I am interested that a strategy has been developed to guide the activities of United Nations agencies and of other donors. I am also interested in the Secretariat's efforts to ensure that the IEMF can be replaced by a robust task force that will be deployed by 15 August 2003.

Turning now to human rights matters, the briefings by Mr. Ramcharan and Mr. Guéhenno were indeed devastating. We all remember what Ms. McAskie said before the Security Council mission visited the region. At the time, of course, establishing the truth about violations was the first essential step in order to provide assistance to the victims, and also in order to combat impunity. Mr. Ramcharan was correct to stress the importance of the fight against impunity.

This is what the Council and the Commission on Human Rights have often emphasized.

Before asking a few questions, I would like to comment on the recommendations. We agree it is essential that the transitional Government establish an appropriate judicial mechanism to ensure the prosecution of those responsible for serious human rights violations.

We also believe it is essential that those involved in violations not be given refuge anywhere. We further agree that fighting impunity means that the United Nations must also work on that basis. All United Nations bodies must consider how we can ensure that the fight against impunity will succeed. We agree that we should support the establishment of national mechanisms to promote and protect human rights in the Democratic Republic of the Congo as well as a National Truth and Reconciliation Commission, and the strengthening of the operational capacity of the judiciary.

As I read the reports I had three questions. First, in paragraph 29 of the report on the events at Drodro, it is recommended that we consider the possibility of sending an international investigation team at an appropriate time to Ituri and the eastern part of the country. What would be an appropriate time, in the view of the author of the report? Can Mr. Ramcharan be more specific?

Secondly, paragraph 30 refers to the possibility of human rights rapporteurs from the Commission on Human Rights carrying out a joint investigative mission. I wonder how such a joint mission by the special rapporteurs would be combined with the international investigation team.

Thirdly, would it be possible for military observers to report on human rights violations? And should not human rights observers enjoy some protection?

Mr. Pleuger (Germany): Let me thank Mr. Guéhenno and Mr. Ramcharan for their reports. We strongly welcome the second public meeting of the Council with the Office of the United Nations High Commissioner for Human Rights on the Democratic Republic of the Congo. We believe this dialogue between the Office and the Council should be maintained and fostered and that it can serve as a model for other items before us. These meetings also remind us of the fact that military action alone — as important as it might be in a given situation — will not achieve a lasting solution to a conflict. We need a comprehensive approach to security and human rights, and human rights are a central element of that approach.

The two reports confirm that some of the most horrendous human rights violations in recent history have been committed on a large scale in the Democratic Republic of the Congo. The reports will be crucial when it comes to bringing the perpetrators of these unspeakable crimes to justice. In our view, these reports are balanced and credible; they have to be the basis for action in order to make sure that these outrageous crimes must not go unpunished.

We regret that the investigation of the events in Drodro had to be cut short due to security constraints. It is indeed an abomination that a team investigating a recent massacre should have to leave in a hurry because of fresh massacres looming on the horizon. We welcome further investigations as soon as possible, as recommended in the report.

Horrible as the events in Ituri are, it is a sad truth that similar violations of human rights have occurred in other parts of the Democratic Republic of the Congo in the past years. The situation in the Kivus, for example, remains of grave concern to us.

The announcement of a transitional Government by President Kabila on 30 June 2003 is an important step towards democracy and peace, which we warmly welcome. The two reports before us today highlight the crucial importance of the establishment of the rule of law and of capacity-building in human rights. We urge the transitional institutions to make the rule of law and human rights a priority and to cooperate with the Office of the High Commissioner, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), whose human rights component the Council strengthened in resolution 1468 (2003), and other actors in the United Nations system in this regard.

We urge neighbouring countries to work with the transitional institutions in a cooperative spirit. Interference by neighbouring countries in the conflict must come to a complete end. They must no longer be part of the problem, but must become part of the solution to it.

In that context, I should like to pose a question to Mr. Ramcharan. What are the possible next steps to be undertaken in order to engage the Government of the Democratic Republic of the Congo and the external parties to the conflict, in particular Rwanda and Uganda? How does he view the possibility of taking further steps in that direction?

Germany supports the recommendations made in the reports before the Council today. The reports' call on all countries not to grant refuge to the perpetrators is highly important and requires our full support. In particular, we commend the High Commissioner's highlighting of the positive role of the International Criminal Court (ICC) in preventing impunity in the Democratic Republic of the Congo. We feel that this is a useful reminder to the Council that the ICC is emerging as an important mechanism to address conflict and post-conflict situations, and that concerns about the ICC's standards and impartiality are unfounded. The Democratic Republic of the Congo is a fellow State party to the ICC, and it is quite normal that the country should turn to the ICC to seek assistance in addressing the shortcomings of its judicial system. We encourage close cooperation between the new transitional institutions and the ICC.

We also join the call made by the High Commissioner and MONUC to the future transitional Government to establish a judicial mechanism to seek to punish perpetrators, as well as other mechanisms of transitional justice. That, however, will not be possible without assistance from the international community. Germany stands ready, and is willing to contribute to such efforts with a view to fostering democracy and the rule of law.

Mr. Muñoz (Chile) (*spoke in Spanish*): At the outset, I wish to express appreciation for the briefing by the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guéhenno, on the tragic events that occurred in Mambasa and for the briefing by Mr. Ramcharan, Deputy High Commissioner for Human Rights, on the events that occurred in the area of Drodro.

In a way, we have grown accustomed to information concerning grave violence and human rights violations in the north-eastern region of the Democratic Republic of the Congo. But the report, beginning with the capture of Mambasa by troops of the Mouvement de libération du Congo/Rassemblement congolais pour la démocratie-nationale (MLC/RCD-N), describes a new level of violence, a new level of cruelty. And that is why we wish to express our particular condemnation and concern with regard to the cruelty committed against the civilian population, especially women and children.

Moreover, the report's most serious aspect is that those human rights abuses were planned and coordinated by the military hierarchy of those rebel movements and have been a tool of war to spread fear and to displace populations. The report says that clearly. We read it carefully: several commanders and colonels promised days of looting that depended on military actions. There was planning and premeditation here, which I think it is important to emphasize. Therefore, the events that occurred at Mambasa and Drodro confirm the complex and grave situation of insecurity and violence that affects the region. And the fact that all of the rebel groups are recruiting minors to participate in military operations deserves our special attention.

With the goal of establishing justice and supporting the civilian population, the special team of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is proposing a series of recommendations that my delegation fully supports. The recommendation to provide psychological support to rape victims and to those who witnessed executions and other horrifying acts — children, especially, require urgent and special help — deserves our particular attention.

Therefore, my country values this opportunity to reiterate its most vigorous condemnation of these grave human rights violations perpetrated by various warring factions. We regret that we are witnessing these levels of violence at the beginning of the twenty-first century. We reaffirm the need to put an end to the cycle of impunity that persists in the region. Here, the challenge is to the international community, but also in a fundamental way to the Congolese themselves, particularly the transitional Government of the Democratic Republic of the Congo.

For our part, we believe it essential to strengthen MONUC's presence with a mandate that enables its troops to provide the necessary protection to the civilian population. We also consider it important that the Secretary-General establish a standing team within MONUC to investigate human rights violations.

In conclusion, we wish to ask Mr. Guéhenno and Mr. Ramcharan — along the lines of what several previous speakers, perhaps the representative of France in particular, have asked — their opinion about the real possibilities for the perpetrators and masterminds of the crimes described in the special report being brought to justice, and about the relevant mechanisms. One possibility could be a truth and reconciliation commission, but without prejudice with regard to the recommendations themselves, which mention cooperation with the International Criminal Court. I believe that issue is fundamental to preventing impunity and to ensuring that such acts never occur again in the future.

Mr. Khalid (Pakistan): My delegation also wishes to thank Mr. Guéhenno and Mr. Ramcharan for their very comprehensive briefings today.

The reports of horrendous atrocities committed in Ituri, in the Democratic Republic of the Congo, are highly disturbing, to say the least. We share the sentiments of outrage that have been expressed around this table, and we strongly believe that there should be no impunity for the perpetrators of such crimes.

The reports, nevertheless, strengthen the case for an expanded and robust presence of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in Ituri. Pakistan fully supports that proposal — made by the Secretary-General and others — and will continue to work with other Council members to translate it into reality. We also welcome the formation of the transitional Government in the Democratic Republic of the Congo, and we urge all parties concerned to fully abide by the agreements they have concluded.

But to those brief remarks, in deference to the President's request to make this an interactive session, I would just add the following questions. First, what are the prospects for convincing those factions which have agreed to participate in the transitional Government to lay down their arms and to begin work in earnest to form a unified national army?

Secondly, what will be the mechanism to prevent those combatants and commanders who have been involved in committing atrocities and other such heinous crimes from joining the national army?

My last question is addressed to Mr. Ramcharan: how does the United Nations High Commissioner for Human Rights wish to follow up on the findings of the Mambasa and Drodro studies in order to bring to justice the perpetrators of those crimes?

Mr. Zhang Yishan (China) (*spoke in Chinese*): First, I would like to thank Under-Secretary-General Guéhenno for his briefing on the situation in the Democratic Republic of the Congo. As usual, his briefing was very descriptive and clearly explained the situation on the ground. But I think the situation that he described today is different from what we have seen in the past. There have been some positive developments in the country, which we very much welcome. The transitional Government of the Democratic Republic of the Congo has finally been established. We sincerely hope that there will be a fresh start in the history of the Congolese people, and that that people will finally take the road to stability, independence and prosperity.

We would also like to thank the Deputy High Commissioner for Human Rights for his briefing. His account of the human rights situation in Mambasa and Drodro was truly shocking. Some of his recommendations deserve further, detailed study by the Council. Efforts to protect human rights need to be further strengthened.

As a member of the Security Council, I participated in the mission that visited the Democratic Republic of the Congo. I witnessed first-hand the poverty, instability, violence and violations of human rights. I also saw the child soldiers. Those children are really very young. Some are not even as tall as the weapons they carry. While visiting Bunia, we met with officials of the interim administration and members of non-governmental organizations present there. A woman said something that I found unforgettable. At the end of her statement, she pronounced two slogans. The first was "Long live the Democratic Republic of the Congo". That is easily understandable because, as a resident of the country, she naturally hopes that her country will become independent and prosperous. However, it was her second slogan that was most striking. She said, "Long live MONUC". Judging by that, we can see that the people of the Democratic Republic of the Congo have great confidence in, and expectations of, the United Nations and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). That is because MONUC has played a very good and positive role among that long-suffering people. It can undoubtedly provide warmth and security to people there. What that

woman said demonstrates that MONUC, by protecting human rights in the country, has played a very positive role. I think that her words are the best recognition of MONUC's work. Since MONUC has played such a positive role in the country, I would like to ask Under-Secretary-General Guéhenno to tell the Council what more MONUC can do to protect human rights among the people of that country.

Mr. Boubacar Diallo (Guinea) (*spoke in French*): My delegation too would like to thank Mr. Guéhenno for his update on recent political developments and Mr. Ramcharan for his moving account of the human rights situation in the Democratic Republic of the Congo. The way he described the numerous human rights violations and violations of international humanitarian law in Ituri, particularly in Mambasa and Drodro, amply demonstrate the extent of the atrocities that have been committed, generally due to ethnic hatred and greed for money and political power. My delegation believes that those reprehensible and deliberate acts must be investigated thoroughly and that their instigators and perpetrators must be punished according to their degree of responsibility.

We welcome the 30 June announcement of the establishment of the transitional Government of national unity in the Democratic Republic of the Congo. That is part of the commitment made to the Security Council during its recent mission to Central Africa. We believe that it can provide the beginning of a return to unity, reconciliation and peace in the country, which has suffered so much from years of senseless war.

On the issue of impunity, which the entire international community agrees must be put to an end, practical measures must be taken. In that context, my delegation believes, as Mr. Ramcharan has just said, that the Council should give its full attention to the swift establishment of the National Human Rights Observatory and the National Truth and Reconciliation Commission. The Governments of countries bordering the Democratic Republic of the Congo also have an important role to play, as they can exercise a positive influence on the various armed movements and groups that operate mainly in the north-eastern part of the country.

My delegation is convinced that with the establishment of the transitional Government of national unity, all Congolese people without exception will be able to overcome their differences in order to reach the essential goals of re-establishing national consensus, the return of peace and the development of their country, which has been so generously endowed with such great potential.

In conclusion, in connection with the question asked by the delegation of Pakistan, I would like to ask what practical medium- and long-term measures are envisaged by the Office of the United Nations High Commissioner for Human Rights in order to contribute to ensuring that there is no impunity for these numerous human rights violations?

Mr. King (United Kingdom): We are grateful for the reports before the Council and for today's briefing. We share the revulsion of others at the abuses we have heard described and at the lack of respect for human life that they represent. We have heard about rape and mutilation being used as weapons of war, and about pillage being used by armed groups as a means of sustaining their operations — in other words, as a means of continuing the conflict. That disregard for the ordinary people of the Congo seems to be common to all the parties to the conflict. It needs to stop.

As other speakers have underlined, we need to see an end to the culture of impunity. But human rights also carry a positive obligation, especially on those in authority. We need to see the development in the Democratic Republic of the Congo of a culture of dignity and respect for all, and it has to start at the top. The establishment of law and order, respect for human rights and justice must be top priorities for the transitional Government. The power-sharing arrangements of the new transitional Government need to work in the interest of all the people of the Democratic Republic of the Congo. We need to avoid a situation in which those arrangements become a new forum for conflict among the political elite.

Looking further ahead, the transition will need to lead to free and fair elections. The transitional Government needs from the start to create a culture of political freedom, freedom of expression and freedom of the media. Above all, all the Congolese parties need to listen to the people they seek to represent and respect their rights, needs and wishes.

We would be grateful for any further comments from Mr. Guéhenno and Mr. Ramcharan on how they see the monitoring of human rights being further strengthened — for example, involving civil society,

especially at the local level. More generally, how can we promote civil society involvement in the transition process? Also, as we have heard, some good efforts have been made to tackle gender-related issues, but is there more we can do, including through MONUC, to ensure that women play a full part in all these areas of the transition, as well as playing a wider role in government and development?

Mr. Raytchev (Bulgaria): At the outset, let me convey my delegation's gratitude to the Spanish presidency for the initiative taken in organizing this meeting. I would also like to join others in thanking Mr. Guéhenno, Under-Secretary-General for Peacekeeping Operations, and Mr. Ramcharan, Deputy United Nations High Commissioner for Human Rights, for their comprehensive and well-focused reports.

The reports have painted a picture that is of great concern to us. The human rights situation in the Democratic Republic of the Congo, in particular in the eastern part of the country, is deeply shocking. Like others, we strongly condemn the abominable massacres and other human rights abuses perpetrated in Ituri, as well as in other areas of the eastern part of the Democratic Republic of the Congo.

We share the view of the High Commissioner about the root causes of the situation in the country. Indeed, there is a vicious circle of massive violations of human rights and vengeance, strengthened by impunity. We agree that the future of the Democratic Republic of the Congo cannot be based on the culture of impunity. This is not only morally unacceptable, but, in addition, it could not contribute to the formation of stable transition institutions or to national reconciliation and long-term, sustainable peace.

It is of critical importance that those who are guilty of gross human rights violations are brought to justice. Bulgaria favours the recommendation of the High Commissioner for Human Rights proposing that the transitional authorities consider, as a matter of urgency, the setting up of an appropriate judicial mechanism with a view to bringing to trial the alleged perpetrators of massive human rights violations in Ituri and in other parts of the national territory.

The establishment of a truth and reconciliation commission, as well as the idea of a national observatory for human rights, could contribute significantly to furthering the peace process.

In our view, for the peace process in the Democratic Republic of the Congo to be sustainable, it is also necessary to establish it firmly on a solid human rights foundation. In this regard, we agree fully with the recommendation of the High Commissioner for Human Rights that the Security Council support the establishment of national institutions for the promotion and protection of human rights and the strengthening of the operational capacity of the judicial system throughout the country.

Finally, my delegation would welcome any further comments from Mr. Ramcharan and Mr. Guéhenno with regard to the concrete role that the Office of the High Commissioner for Human Rights, MONUC and the United Nations as a whole could play in lending assistance to transitional authorities in order to address the question of impunity.

Mr. Williamson (United States of America): I wish to thank the Deputy United Nations High Commissioner for Human Rights, Mr. Ramcharan, and Under-Secretary-General Jean-Marie Guéhenno for their briefings to the Security Council this morning on the situation in the Democratic Republic of the Congo.

The bloody, violent conflict in the Congo is tragic. For over three and a half years, there have been brutal killings, rape, pillage and looting. Innocent people have died at the hands of combatants and from disease, malnutrition and other consequences of war. Some estimate the death toll from this war at over 3 million people. Some of the worse acts imaginable, including cannibalism, have been committed. Women and children in particular have been victimized by this conflict. And for too many there has been a climate of impunity in which these vicious acts have been perpetrated. Frankly, the international community has been too slow and too timid to respond to these grievous crimes, and the leaders of the various fighting factions have failed in their responsibilities to end the excessive brutality of their forces.

Approximately one year ago, the Security Council was briefed by the then-United Nations High Commissioner for Human Rights, Mary Robinson, about the atrocities that took place in Kisangani in May 2002. The report was thorough, detailed and very useful. Security Council members, quite properly, were shocked and distressed by what we were told. The abuse of life and of human rights was appalling; the stories of beheading were repulsive. At that time, the

Council thanked the High Commissioner for her good work and strongly condemned the perpetrators of the awful acts in Kisangani, and it reiterated the critical principle that there can be no climate of impunity, that these crimes must stop and that those responsible must be held accountable.

Given these events and the Security Council's actions, it is disheartening and distressing that we have had to meet again and again on atrocities and terrible human rights abuses in the eastern Congo. In February, the Council met in formal session to hear the United Nations High Commissioner for Human Rights, Sergio Vieira de Mello, report on the catastrophic human rights situation in the Democratic Republic of the Congo. In his report, the High Commissioner included some of the preliminary findings regarding the atrocity committed in the Ituri district last fall by the Mouvement national de liberation du Congo (MLC) troops and their ally, the Rassemblement congolais pour la démocratie — National (RCD-N) rebel movement. At that time, the United States delegation listened with revulsion and profound sadness to the High Commissioner's descriptions of wanton acts of torture, rape, killing and cannibalism. The United Nations investigation confirmed that these atrocities were part of a systematic and horrifying campaign of atrocities committed against civilians in the forest of northeast Congo, with children among the victims. Apparently, rebels called their terror campaign "Operation Clean the Slate", and the operation was presented to the people almost like a vaccination campaign.

At that time, we expressed our condemnation of these horrendous acts, and I said in that Council meeting on 13 February:

> "What we have heard today about the catastrophic human rights situation in the Democratic Republic of the Congo, and the atrocities committed by various armed factions, tragically reaffirms that we must keep human rights at the centre of our efforts to foster a lasting peace and a new transitional Government in the Democratic Republic of the Congo." (*S/PV.4705, p. 8 and 9*)

For the more recent victims of brutality in the Congo, our rhetoric rings hollow and our actions insufficient. For now, five months later, we hear details of further atrocities committed elsewhere in the Congo. Last winter, Jean-Pierre Bemba, the leader of the MLC, promised to address the atrocities of Mambasa. He announced that his rebel group had arrested five of its own members, including its chief of operations in Ituri province, Lieutenant-Colonel Freddy Ngalimo. He said the five would face trial by rebel court.

The United States Government is very disappointed at the inadequate manner with which the MLC handled the trials of those suspected of committing atrocities in Mambasa. We fully share the assessment that those trials were gravely flawed. We are concerned about the inadequate legal rights afforded to the defendants in those trials and about the callous disregard for the serious nature of the crimes, as reflected in the light sentences handed down and in the failure to charge anyone with crimes against humanity or war crimes. The failures of those proceedings will not end the culture of impunity; sadly, those failures perpetuate that culture of impunity.

Just last week, the Security Council issued a press statement congratulating the Congolese parties on forming a transitional Government. The difficult issue of who will serve as minister for land resources and chief of staff of the Government appear to have been resolved. On 30 June at Mbandaka, President Kabila read out the complete list of ministers. By the end of July it is expected that the vice-presidents, the cabinet ministers and the members of the National Assembly will all be sworn in. The United States Government welcomed the announcement of the transitional Government, and we welcome the movement to put the transitional Government in place. We also welcome the compromise on military integration.

Furthermore, my delegation welcomes the report given by Under-Secretary-General Guéhenno this morning that verification efforts are taking place in the Ituri district, that Bunia was declared a weapons-free zone on 27 June, that 6,000 internally displaced persons have returned to Bunia, that the Ituri interim administration is being more active, and that the Ituri district seems stable. That is good news. My delegation also welcome's Mr. Guéhenno's report that the second task force will begin to deploy on 15 August and that the Multinational Force in Bunia has begun to shift the balance between the rebels and legitimate authority. That is very encouraging indeed.

But Deputy High Commissioner for Human Rights Ramcharan has given us yet another report of

gruesome crimes committed in the eastern Congo. This morning he told us that in early April at Drodro people were burned alive, that there were machete attacks in hospitals and that there are 20 mass-grave sites. Again we are repulsed by those acts of horrendous inhumanity. Again our conscience is aroused. Again we say there can be no culture of impunity. Yet those crimes against humanity continue and our words ring hollow.

The United States Government believes that the transitional national Government of the Democratic Republic of the Congo must take responsibility for ending the pervasive culture of impunity in that bloody, brutalized land. The tragedies of the past years must be addressed. As appropriate, we should assist the transitional national Government of the Democratic Republic of the Congo to achieve these goals by helping them to strengthen the nascent inclusive national Government.

A lesson in recent years is that transitional justice is very important for a post-conflict society hoping to move towards a secure, stable and sustainable peace. It is critical that there be no impunity. Accountability is essential. Gross human rights abuses cannot be brushed under the carpet. A full recording of these crimes is required, and the perpetrators must be identified and held to account. My delegation urges the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to assist non-governmental organizations and the United Nations High Commissioner for Human Rights in gathering documentary evidence of violations of international humanitarian law and of human rights in order to present these cases to the Congolese Ministry of Justice for prosecution.

A truth and reconciliation commission as described in paragraph 28 of the report on Drodro requires an effective and functioning Government. With the formation of the cabinet of the Democratic Republic of the Congo's transitional national Government at the end of June, that framework is in place. The Congolese parties who have agreed to work together must now show that their hearts and minds are committed to national reconciliation, and come to agreement on extending Government control throughout the country.

As I have already mentioned, on 16 July 2002 the Security Council received a report on the events in Kisangani of 14 and 15 May 2002. The recommendation made then that the authorities in Kisangani should take immediate steps to arrest those who ordered or were involved in extra-judicial killings has not been heeded, and violence continues. That is unacceptable. The people of Kisangani who were victimized deserve better. The people of the Congo deserve better.

The years of brutal and bloody conflict in the Democratic Republic of the Congo have exacted a terrible toll on millions of people. The goal of a Congo free from violence that is just, secure and sustainable can only be reached through meaningful transitional justice that leads to national reconciliation. That requires an end to the culture of impunity, as well as accountability and justice. International action can go only so far in addressing the human rights problems in the Democratic Republic of the Congo. The Congolese parties themselves must be sincere and active in addressing them. We call on the Congolese to take meaningful steps, beginning with expediting secure and unrestricted access by investigators and MONUC staff to areas of, and witnesses to, suspected human rights abuses and violations of international humanitarian law.

Mr. Pujalte (Mexico) (*spoke in Spanish*): I would first like to thank your delegation, Mr. President, for including on the Council's agenda such an important item relating to human rights in the Democratic Republic of the Congo. I would also like to thank Under-Secretary-General Guéhenno and Mr. Ramcharan for the very detailed information they have just given us.

My delegation has a few comments and questions in connection with this subject. First, the situation of human rights in the Democratic Republic of the Congo was already partly known thanks to the reports provided to the Council by the Secretariat itself and information emanating from non-governmental organizations and news agencies. If there is anything new in what we have heard it may be the now-confirmed reports of premeditated violence and the planning behind them. As every delegation to have spoken before me has pointed out, the violence will continue so long as we do not punish those responsible for these crimes in order to end impunity. In order to avoid sham trials that merely seek to exonerate or justify the crimes of those responsible, justice requires independent courts that impose sentences

commensurate with the gravity of the crimes, and that pass judgement in accordance with what actually took place, namely, crimes against humanity and war crimes. Likewise, justice must reach the high command, and not just the actual perpetrators of these crimes: it must actually reach those who gave the orders to go forward and who allowed the crimes to take place.

We would like to ask the following questions. We would first like to know about the extent to which the presence of troops inhibited the submission of testimony, and therefore the results of the investigation. Could that have been more widespread than we are aware? Secondly, could Mr. Ramcharan tell us what authority he believes could assume responsibility for following up these cases; in other words, on whom does it fall to follow up the complaints? Thirdly, I would like to know whether there is a strategy in place to address each of the matters discussed in the report. We would also like to know whether the transitional Government has proposed a strategy for action in that regard.

I wish to indicate that it is extremely important for Mexico that the transitional Government establish jurisdictional mechanisms to address grave violations of human rights and that the launching of the National Truth and Reconciliation Commission be carried out. No effective justice can be administered without these. We also note and support follow-up of these cases by the Prosecutor of the International Criminal Court. This is fundamental to reaching the goal of bringing those responsible for these crimes to justice.

The President (*spoke in Spanish*): I shall now briefly speak in my capacity as representative of Spain.

I wish to thank Mr. Guéhenno and Mr. Ramcharan for their statements. I also wish to express revulsion at the acts that have occurred and to ask a question with respect to the national human rights institutions of the Democratic Republic of the Congo, in particular the National Observatory for Human Rights and the National Truth and Reconciliation Commission.

How will those two institutions cooperate with the High Commissioner for Human Rights and the United Nations Organization Mission in the Democratic Republic of the Congo? What are the financing prospects for these national institutions?

I now resume my functions as President of the Security Council.

I call on the representative of the Democratic Republic of the Congo.

Mrs. Booto (Democratic Republic of the Congo) (*spoke in French*): May I first of all extend to you, Madam, the sincere congratulations of the Congolese delegation on your presidency of the Security Council for July.

I also thank the Under-Secretary-General and the Deputy High Commissioner for Human Rights for introducing the very important reports before us on the item on today's agenda, the human rights situation in the Democratic Republic of the Congo. I also wish to pay a well-deserved tribute to the High Commissioner for Human Rights for his tireless commitment to the cause of human rights in my country and throughout the world.

As members of the Council know, the war of aggression against the Democratic Republic of the Congo has for the past four years entailed a series of flagrant violations of human rights and 3 million deaths, and absorbs 80 per cent of our resources. In analysing the situation in the Democratic Republic of the Congo, and in particular the human rights situation, it would be reasonable objectively to contrast the efforts that have been made to improve the situation in the area under governmental authority with the overall climate of terror, characterized by major violations of human rights and international humanitarian law, in the occupied territories.

No pretext cited by the aggressors can justify the barbarities committed against civilians in the Democratic Republic of the Congo, which include summary executions; torture; cruel, inhuman and degrading treatment; massacres; the deliberate spreading of HIV/AIDS through the use of rape as a weapon of war; the burial-alive of women; the use of child soldiers; the shameful exploitation of human resources; and the plundering of the country's natural resources and other wealth.

The authorities of the Democratic Republic of the Congo are eager to restore the rule of law, democracy and respect for human rights and fundamental freedoms. Despite current difficulties, we are sparing no effort to ensure respect for all human rights, including by taking steps to preserve law and order and

to ensure the protection of peoples in times of war and peace, in accordance with our international commitments.

This has been possible above all through a strengthening of our partnership with the United Nations through the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Office of the United Nations High Commissioner for Human Rights in Kinshasa, and through ongoing constructive dialogue with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo.

Steps have been taken, especially with respect to the protection of the members of the most vulnerable sector of society, namely children. Indeed, as rebel movements continue to recruit children as young as eight or ten years old, the President of the Republic has signed a decree prohibiting the recruitment of children into its armed forces. The General Staff of the Congolese Armed Forces has established a programme to demobilize child soldiers, with assistance from international agencies, particularly the United Nations Children's Fund. Our Government has also begun reforming juvenile justice. Five hundred child soldiers have been demobilized and reintegrated into civil society, while 20,000 street children now have access to education and basic health care.

Despite all the efforts made and the initial indications of peace returning to Ituri, the situation is still extremely bad in that region. The reports introduced today confirm once again that the most serious violations are committed in that part of our country that is not under governmental control. Following the Kisangani massacres, others occurred in Bogoro, Mandro, Drodro and Mambasa, where hundreds of civilians died in the most horrible way. We trust that the Interim Emergency Multinational Force will soon restore a measure of stability.

Moreover, MONUC investigators have established that atrocities were committed against civilians yet again in Ituri by rebel forces that killed their victims systematically and even indulged in anthropophagy against the native pygmies. These native pygmies, a peaceful rural people who were recently independent and carefree, have been psychologically traumatized by such repulsive and incomprehensible acts. It is imperative that those who perpetrate such human rights violations understand that the international community will no longer tolerate these crimes and will punish the guilty. My delegation welcomes the statement made by the High Commissioner for Human Rights on the punishment of the guilty during his visit to my country in January.

This past week has been very crucial in respect of the establishment of transitional democratic governmental structures in the Democratic Republic of the Congo. The last obstacle to the establishment of the Government was removed with the signing of the agreement assigning responsibilities in the armed forces. The All-Inclusive Agreement was put into practice through the issuance of Decree 03-06 nominating the members of the transitional Government.

Much remains to be done to restore lasting peace and security. The challenges are huge, but we dare believe that the creation of the transitional institutions obviates all pretexts for pursuing the war, which is in itself a violation of human rights. The Democratic Republic of the Congo counts on the support of the international community through constructive cooperation in defence of human rights.

As has been stressed here in the Council, it is imperative that all parties claiming a role in the future of the Democratic Republic of the Congo demonstrate their commitment to human rights, international humanitarian law, security and the well-being of our peoples in order to free the men, women and children of our country from the web of violence and barbarism in which they have been enmeshed by the murderous madness of the invaders.

The President (*spoke in Spanish*): I call on Mr. Guéhenno to respond to the comments made and questions raised.

Mr. Guéhenno (*spoke in French*): The first question asked, I believe, was posed by the representative of Cameroon, who wondered about the possibility of making Bunia a weapons-free town as a model for future disarmament operations.

I think that the example of Bunia clearly demonstrates that, in the current phase, the disarmament of Congolese forces will be a key element of progress towards peace in the Democratic Republic of the Congo. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) will surely play an enhanced role in that respect. At the same time, we clearly see that even a

strengthened MONUC will be unable to have the same presence in each locality of that large country that the Interim Emergency Multinational Force has in Bunia today. Disarmament will therefore have to go hand-in-hand with a political process of sustained pressure on all who might contemplate continuing to arm militias, so that together with the positive encouragement given, there will also be a strong incentive from the international community not to continue on the military path.

(*spoke in English*)

With that I am beginning to answer the question raised by the Ambassador of Chile on the likelihood that the armed groups would eventually disarm. We believe that a combination of measures will lead to disarmament. Certainly a more robust MONUC, a MONUC that wherever it is deployed cannot be easily pushed, will send a very important signal. But that more robust MONUC will also have to be supported by sustained political pressure from the Council on the various players, so that all players become convinced that there is no alternative to a peaceful process.

Many ambassadors have raised questions on the role of MONUC in human rights. I will defer to Mr. Ramcharan on many issues and will say a few words on some specific issues that were raised with respect to MONUC.

What can military observers do, as far as human rights is concerned? Let me first point out that whenever there is an investigation, whenever a special investigation team is deployed, they consult very closely with the military observers who have been present in the region. All the information the military observers might have on the situation is shared with the multidisciplinary teams of MONUC, in which various elements of MONUC are represented, including civilian police personnel. Since military observers report on a daily basis on the situation in their area of operation, including on violations of human rights, they would report such violations if they become more systematic.

That raises another question that was posed to the Secretariat with regard to the protection of investigators. It is difficult to take a position of principle on this particular issue because each situation is specific and the level of security varies considerably, not only from one area to the other, but also from one week to another. The security level has to be continually monitored by MONUC, and we certainly would not exclude, in specific circumstances, having some military resources devoted to the protection of a particular team, if we feel that would make the difference between the possibility of an inspection and the absence of an inspection. But that cannot become a general procedure, because we certainly would not have the resources for that. Nevertheless, some activities should be and can be escorted.

A question was raised on the future national army and the screening of the soldiers and officers in a national army. This raises the broader issue of the security sector, because the same question applies also to the police.

Concerning this issue, I am pleased to report that because of the very quick decision of the distribution of the senior military force, our understanding is that these new posts should be filled shortly so that the operation of the new army — from the top, at least — should start in earnest.

I think MONUC will have to consider how to support that process so that there is some screening of those who join the new armed forces or the new police. This is essentially a responsibility of the Congolese. But as in many other areas related to human rights, we'll have to find the balance between the need for national ownership of the process and at the same time active monitoring so that those crimes which should be neither forgotten nor forgiven are not, indeed, forgotten or forgiven.

Questions were asked about the future role of MONUC with respect to human rights. We are entering a new phase with the appointment of the transitional Government of national unity. As you are aware, in that new phase there will be new institutions that will be specifically focused on human rights: the truth and reconciliation commission, and the national observatory for human rights. There was a question as to how we can support those institutions. Indeed, we see those institutions playing the central role in the consolidation of human rights in the Democratic Republic of the Congo. But as fledgling institutions they will need the active support of the international community. I would use the opportunity of this meeting to launch an appeal to the international community to give support, including financial support, so that experts can be deployed to give the kind of practical support that these institutions will need to link up with

the organizations in the Democratic Republic of the Congo that are already quite active in the area of human rights.

One is always very impressed when visiting the Democratic Republic of the Congo by the courage and commitment of the many national NGOs, which report and denounce violations and very actively make sure that no human rights abuse remains unknown or unaddressed. Unfortunately, many are not addressed, but in the future, the knowledge, the information and the awareness of such abuses will certainly facilitate taking the right measures. MONUC sees its human rights section playing a very active role both in mobilizing international support and then liaising with these national institutions in order to develop the national capacities to uphold and sustain human rights in the Democratic Republic of the Congo.

Lastly, we believe that justice and human rights in the Democratic Republic of the Congo will be a long-term effort. Ambassador Williamson reminded us of previous egregious violations of human rights that have remained unaddressed. It will certainly be the role of the international community and its institutions to address such violations and to remind all of those who can bring justice to bear that these violations have not yet been addressed. It will then be for the Congolese to build up their own national and judiciary institutions so as to address the situation.

The President (*spoke in Spanish*): I give the floor to Mr. Ramcharan to respond to comments or questions.

Mr. Ramcharan: On behalf of the Office of the High Commissioner for Human Rights, I should like to express my gratitude for the kind remarks and the support expressed by many speakers for some of the thoughts we have placed before members. This has been an important debate, and for that we very much thank the Council. Let me take this opportunity to say that the cooperation among the Department of Peacekeeping Operations, my Office and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is good. Mr. Guéhenno, in particular, is very supportive of the spirit of human rights and peacekeeping going together.

On the point concerning the protection of investigations, allow me to say that, while there can be no hard and fast rule, sometimes the pursuit of an investigation makes it indispensable to protect sites. When I was in the peacekeeping operations in the former Yugoslavia, and we had first discovered the mass grave sites at Ovcara, near Vukovar, we had to ask the peacekeepers to protect the sites for us for several months, and they did so. When, upon the Security Council's request, I went to Côte d'Ivoire in December last year, I myself visited one such mass grave sites. Doing so becomes rather tricky if you have no escort; the person on that occasion prevented us even from taking photographs of the site. It got as tricky as that. But, as Mr. Guéhenno said, this is something that one does case by case, and I would echo his appeal for financial support for the Truth and Reconciliation Commission and the Observatory.

The question was asked how we can support preventive efforts in places like these. My answer would be that we must support the conflict prevention Mechanism of the African Union and must call upon it to play an increasingly greater role in the prevention of gross violations of human rights. Perhaps we must establish a dialogue with the African Union on the Mechanism.

It was also asked how one can address the issue of justice in this situation. I should like to give an answer that refers to the models we have used so far. As members are aware, we have the examples of the two Tribunals, for the former Yugoslavia and Rwanda; we have the Special Court for Sierra Leone, which is a national enterprise supported internationally; we have the court for Cambodia; we have a national court in Ethiopia, which continues to deal with past crimes; and, of course, we have the International Criminal Court. This morning, we heard around this table that one should support the transitional Government, present evidence to it and encourage it to tackle these issues.

The question was asked how one ensures that justice is not secondary to reconciliation. That, of course, is not an easy question to answer. I would say that, first of all, we must publish the facts in any instance so that we know what they are. And, as we publish the facts, we must give each people a chance to pursue its own route to reconciliation and justice, with one proviso: it must be clear that there can be no impunity for international crimes. I formulated that carefully, because I think that publishing the facts is important for the record, and then each people would be given the chance to choose its own path to justice

and reconciliation, on the clear understanding that there can be no impunity for international crimes.

In relation to paragraph 29 of the report, I was asked what the possibility would be of sending an international team and when the right time would be. Well, I think the right time would be when security conditions would permit it; this is linked to the fact that, if you cannot go to a site, you cannot really investigate it. Here, I must return to my own visits to sites: you know that, if you are going there without any kind of serious escort or protection, it is a non-starter.

I was asked about joint missions of special rapporteurs. Let me say first of all that the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo has visited and is planning another visit soon; she will report to the General Assembly. But that was not the question; the question was joint visits. I should like to give a generic answer, which is that sometimes, in situations of this nature, it has been found useful to put together a set of the thematic rapporteurs of the Commission on Human Rights. On this occasion, I could envisage a joint mission, at the appropriate time, of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, the Special Rapporteur on torture, the Special Rapporteur on violence against women, representatives of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

Conceptually, the role of such a joint mission is that it brings added authority and insights, and it aims to achieve two purposes: first, to demonstrate to the international community that there is such concern about a particular situation that one is asking the leading investigators to go there; and secondly, so that experts from different perspectives can produce reports on and document what is going on in a country. It is a way of documenting what is going on in a country.

I think Mr. Guéhenno dealt with the issue of military observers. The question was raised whether human rights observers should have immunity. I would answer the question this way: of course, if you do not have security, immunity is theoretical. But, as a matter of principle, human rights investigators should be protected with respect to what they do in pursuit of their activities.

I was asked how one can engage the Government of the Democratic Republic of the Congo and neighbouring Governments. I would give two answers. First, as members are aware, many actors are engaged in peacemaking, and I shall not enter that terrain; I will just point to the fact that there are many peacemakers. Secondly, I would indicate that the idea of a conference on Africa's Great Lakes region at some point in time is in view. I was Director of the International Conference on the Former Yugoslavia, and thus I can well envisage that, when it is eventually held, such a conference might give an important place to human rights issues. For the purposes at hand, I would say that what is crucial in a situation like this is to gather and document information on violations. I cannot place too much emphasis on the issue of documenting the violations.

What are the possibilities of bringing to justice those who are responsible? I think that I have partially answered that question by pointing to the options that might be available and to the idea — which was floated around this table — that one should present the information to the transitional Government and help the transitional Government to act.

I was asked how the Office of the High Commissioner wishes to pursue the findings of these two reports in order to bring to justice those concerned. I should like to ask your permission, Mr. President, for the Office of the High Commissioner to submit a paper to the Council — informally, if necessary — on follow-up to this important debate and to some of the issues in the report. The quality of this debate indicates that it should have a high-quality and considered response on our part. I can well imagine that the Office of the High Commissioner should, with the appropriate support, help in the process of gathering information, publicizing that information and, quite frankly, identifying the responsibility of those concerned. It had been my intention this morning to present the Council with a list of names of the persons whom we consider particularly responsible for some of the atrocities. I hesitated to do that, because I felt that it might fall more into the province of the Prosecutor. But my answer to the Council is that what the Office of the High Commissioner can do is to help in the process of investigation.

We were asked what more MONUC could do. Mr. Guéhenno dealt with that question, so I shall pass on it. I would simply note — picking up the earlier thread of my answer — that the Prosecutor of the

International Criminal Tribunal for Rwanda has made public comments about cases that occurred in the Ituri area that qualified even as genocide. I would also ask that the Council take note of the plight of the indigenous population in that area, who are particularly victimized.

I was asked what practical measures one can take to prevent impunity. I would like to stay, if I may, with the answer that I gave: at the end of the day, each people must be given an opportunity to strive for peace, justice and reconciliation, on the understanding that international crimes cannot be subject to pardon.

I was asked how the monitoring of human rights can be strengthened, and how we can strengthen the role of civil society. Mr. Guéhenno also referred to this: when working with partners, especially non-governmental organizations, at the end of the day the classic human rights method is to gather the facts, publicize them and let the verdict of history be pronounced on those involved. That is the answer I would give, which I gave earlier. We must increase our activities to document and to publicize the facts.

I welcome the comment that was made on the gender dimension. I think it would be important for the Special Rapporteur on violence against women to visit this situation.

I was asked how the Observatory and the Truth and Reconciliation Commission will work together and how they will be financed. Mr. Guéhenno answered that question. Anything that we do in this kind of situation is financed by voluntary contributions. We spend $22 million from the regular budget per year, and we spend double that amount from voluntary contributions. If we want to mount an investigation or if we want to act to support the Observatory or the Truth and Reconciliation Commission, we must launch an appeal for voluntary contributions and come to States for support.

Finally, a question was raised on how justice should be brought to the chief commanders, and how one would follow up on some of the information that has been presented to the Council. Mr. Guéhenno gave an answer with respect to the chief perpetrators and commanders. It is an issue that requires a certain subtlety of approach. But on the concrete issue of who would assume the responsibility to follow up, I would use this occasion to say that it is my fervent hope that the Prosecutor of the International Criminal Court will consider the situation seriously; here we are faced with a situation in which, while the needs of peace are without doubt of the highest order, one may think that the limits of conscience have been reached. It is important for the hand of justice, through the Prosecutor of the International Criminal Court, to be heard.

To conclude, Mr. President, I will seek your leave and the leave of Council members to submit to the Council a further written response because the questions posed here were serious and important ones. The quality of the debate of the Council indicates that a response of matching quality should be given.

The President (*spoke in Spanish*): I thank Mr. Guéhenno and Mr. Ramcharan for their clarifications. There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.55 p.m.